

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK WAYNE STIFFLER,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	NO.
	:	
ENCORE RECEIVABLE MANAGEMENT, INC.,	:	
Defendant	:	JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Defendant Encore Receivable Management, Inc. ("Encore"), by its undersigned counsel, hereby petitions this Court as follows, pursuant to 28 U.S.C. § 1441(b):

1. Encore is a defendant in an action pending in the Commonwealth of Pennsylvania, Court of Common Pleas of Cambria County, Civil Action - Law, No. 2009-2088 ("the State Court Action"). A true and correct copy of the Complaint in the State Court Action is attached hereto as Exhibit "A".
2. Plaintiff in the State Court Action is Mark Wayne Stiffler ("plaintiff"). See Exhibit "A".
3. Plaintiff's State Court Action alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, et seq.
4. The State Court Action involves a question of federal law. Pursuant to 28 U.S.C. § 1441(b), "Any civil action of which the district court shall have original jurisdiction founded on a claim or right arising under . . . the laws of the United States shall be removable."
5. Since this case arises out of an alleged violation of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, et seq., this Court may properly remove the State Court Action based on 28 U.S.C. § 1441(b).

6. This Notice has been filed with the Court within thirty (30) days after purported service of the Complaint on Encore.

WHEREFORE, defendant Encore Receivable Management, Inc., prays that the State Court Action be removed from the Commonwealth of Pennsylvania, Court of Common Pleas of Cambria County, Civil Action - Law, No. 2009-2088, to this Court for proper and just determination.

FINEMAN KREKSTEIN & HARRIS, P.C.

By /s/ Lee Applebaum
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Attorneys for Defendant

Dated: May 13, 2009

CERTIFICATE OF SERVICE

I, LEE APPLEBAUM, ESQUIRE, hereby certify that on this date I served a true and correct copy of the foregoing Notice of Removal electronically or by first class mail, postage prepaid, on the following:

James Vincent Natale, Esquire
Harold Shepley & Associates, LLC
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Attorneys for Plaintiffs

Prothonotary of Cambria County
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931

/s/ Lee Applebaum
LEE APPLEBAUM, ESQUIRE

Dated: May 13, 2009